

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KELLEY O'DONNELL,

No. 1:20:CV-00136

Plaintiff,

(Judge Brann)

v.

(Chief Magistrate Judge Schwab)

JOHN WETZEL, *et al.*,

Defendants.

**ORDER**

**AUGUST 13, 2020**

Plaintiff filed the instant action on January 27, 2020, and it was assigned to a magistrate judge for review. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”<sup>1</sup> Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.<sup>2</sup>

On July 22, 2020, Chief Magistrate Judge Susan E. Schwab, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that Plaintiff’s case be dismissed. This came after Chief Magistrate Judge Schwab’s earlier order dated March 17, 2020, wherein Chief Magistrate

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<sup>1</sup> 28 U.S.C. 636(b)(1)(B).

<sup>2</sup> 28 U.S.C. 636(b)(1).

Judge Schwab explained to Plaintiff the deficiencies of her Complaint and granted Plaintiff leave to file an amended complaint. Plaintiff has not filed an amended complaint.

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”<sup>3</sup> Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>4</sup>

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

**AND NOW, IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Susan E. Schwab’s July 22, 2020 Report and Recommendation, Doc. 32, is **ADOPTED in full**.
2. Plaintiff’s case is **DISMISSED WITH PREJUDICE**.

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<sup>3</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

<sup>4</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. The Clerk of Court is directed to **CLOSE** the case file.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
United States District Judge